

**REMARKS/ARGUMENTS**

Claims 36-40 and 46-50 are pending upon entry of this amendment. Claims 1-35 and 41-45 are canceled. Claims 36-40 and 46-50 are unchanged by this amendment.

Claims 36-40 and 46-50 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

Claims 36-40 and 46-50 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,281,145 to Deguchi et al. (Deguchi).

**Claim Rejections - 35 U.S.C. § 112**

Claims 36-40 and 46-50 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Support for the "developing time derivation means" corresponds, for example, to the correlation memory (22) in the specification. As discussed in the specification, for example, at page 45, lines 2-5, "The foregoing embodiment has been described with reference to the correlation between developing time and pivotal shift taken as an example of correlations stored in the correlation memory 22." Therefore, Applicants submit that claims 36-40 and 46-50 comply with 35 U.S.C. § 112, second paragraph.

**Claim Rejections - 35 U.S.C. § 102**

Claim 36 recites "correlation storage means for storing correlations between plurality of substrate treating conditions, a pivotal shift which is a difference between an actual pattern size and a mask pattern size, said actual pattern size being obtained from a processing carried out at a pivotal point which is an exposing condition resulting in little variation in pattern size even with variations in focus of exposing light, a substrate treating condition relating to acid diffusion that influences spread of an acid produced in said coating film by exposure of said coating film, and a substrate treating condition relating to dissolving rate that influences a dissolving rate of said coating film by development," among other elements. Applicants respectfully submit that Deguchi fails to teach or suggest at least these elements in the manner claimed. Thus, claim 36 is in condition for allowance.

For example, Deguchi fails to teach or suggest a correlation storage means for storing "pivotal shift which is a difference between an actual pattern size and a mask pattern size,

said actual pattern size being obtained from a processing carried out at a pivotal point," as recited in claim 36. For instance, Deguchi only discloses various thickness distributions of resist films (FIG. 1) and the relation between the time of applying resist solution and the range of thickness of resist film (FIG. 2). Thus, Deguchi does not teach or suggest storing a pivotal shift as recited in the pending claims. For at least these reasons, claim 36 is allowable over the cited art.

Claims 37-40, which depend from claim 36, are in condition for allowance, for at least the reasons discussed in relation to claim 36, as well as for the additional elements they recite.

Claim 46 recites elements similar to those recited in claim 36 as discussed above. Therefore, for at least the reasons discussed in relation to claim 36, claim 46 is also in condition for allowance.

Claims 47-50, which depend from claim 46, are in condition for allowance, for at least the reasons discussed in relation to claim 46, as well as for the additional elements they recite.

### CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,

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